

Stuart A. Krause
Michael E. Sims
ZEICHNER ELLMAN & KRAUSE LLP
575 Lexington Avenue
New York, New York 10022
(212) 223-0400

Attorneys for Defendant Frederic Ruiz

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALKI PARTNERS, L.P. and ALKI FUND, LTD.,

Plaintiffs,

- against -

VATAS HOLDING GMBH, LARS WINDHORST,
PETER A. OGRISEK, SAPINDA INTERNATIONAL
LTD., ROBERT B. HERSOV, CREDIT SUISSE
GROUP AG, AND and FREDERIC RUIZ

Defendant.

Case No.: 09 CV 8125 (DAB)

NOTICE OF MOTION

TAKE NOTICE that upon the Declaration of Stuart A. Krause dated February 1, 2010, the accompanying Memorandum of Law, the Memorandum of Points and Authorities of defendant Credit Suisse Group AG, and upon all prior pleadings and proceedings had herein, defendant Frederic Ruiz, by its undersigned counsel, will move this Court before the Honorable Deborah A. Batts, United States District Judge, Southern District of New York, at the United States Courthouse, 500 Pearl Street, Room 2510, New York, New York, for an order dismissing plaintiffs' complaint, pursuant to Rules 12(b)(1), 12(b)(2), 12(b)(6) and 9(b) of the Federal Rules of Civil Procedure, and granting such other and further relief as the Court may deem just and proper.

TAKE FURTHER NOTICE that opposition papers, if any, are to be served upon the undersigned within fourteen days of service of this motion.

Dated: New York, New York
February 1, 2010

ZEICHNER ELLMAN & KRAUSE LLP

By: 

Stuart A. Krause
Michael E. Sims
Attorneys for Defendant
Frederic Ruiz
575 Lexington Avenue
New York, New York 10022
(212) 223-0400

TO: Martin H. Kaplan
GUSRAE, KAPLAN, BRUNO
& NUSBAUM PLLC
Attorneys for Plaintiffs
120 Wall Street, 11th Floor
New York, New York 10005

Michael T. Sullivan
SULLIVAN & WORCESTER LLP
Attorneys for Defendant
Credit Suisse Group AG
1290 Avenue of the Americas, 29th Floor
New York, New York 10104

James A. Beha
ALLEGAERT BERGER & VOGEL LLP
Attorneys for Defendants
Lars Windhorst, Peter A. Ogrisek, Sapinda
International, Ltd., and Robert B. Hersov
111 Broadway, 20th Floor
New York, New York 10006